Form 42-248/42-1409(6) Rev. 1/15

RECEIVED
JUN 06 2019
DEPT OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "*Yes*" in the "*Split?*" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
72-4092	Yes ☐	Yes ☐	72-10019	Yes ☐	Yes ☐
72-4093A	Yes ☐	Yes ☐		Yes ☐	Yes ☐
72-4093B	Yes ☐	Yes ☐		Yes ☐	Yes ☐
72-4094	Yes ☐	Yes ☐		Yes ☐	Yes ☐
72-4112	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Carole Klein
   Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Matthew Berry and Stephanie Berry
   New owner(s) as listed on the conveyance document — Name connector ☒ and ☐ or ☐ and/or

   1201 3rd Avenue, Suite 3800 — Mailing address
   Seattle — City
   WA — State
   98101 — ZIP
   206-373-7394 — Telephone
   mberry@susmangodfrey.com — Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
   ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
   ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: _____.

6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).

7. This form must be signed and submitted with the following **REQUIRED** items:
   ☑ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
   ☑ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
   ☑ Filing fee (see instructions for further explanation):
   - $25 per *undivided* water right.
   - $100 per *split* water right.
   - No fee is required for pending adjudication claims.

   SUPPORT DATA
   IN FILE # 72-4092

   ☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
   ☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: [signature] — Signature of new owner/claimant — Title, if applicable — Date 5/23/19
   Signature: Stephanie Berry — Signature of new owner/claimant — Title, if applicable — Date 5/23/19

For IDWR Office Use Only:
Receipted by bc Date 5/31/19 Receipt No. E045034 Receipt Amt. $150.00
Active in the Water Supply Bank? Yes ☐ No ☑ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐
Name on W-9 _____ Approved by _____ Processed by AI Date 8/1/2019

SCANNED
DEC 05 2019

Instrument # 256530
CHALLIS, CUSTER, IDAHO
05-24-2019 03:35:28 No. of Pages: 4
Recorded for: PIONEER TITLE CANYON - CALDWELL
Lura H. Baker Fee: $15.00
Ex-Officio Recorder Deputy: TV

WARRANTY DEED

FOR VALUE RECEIVED, Carole Klein, as Trustee of the Carole Klein Family Trust dated 9/23/86, Grantor, does hereby grant, bargain, sell, and convey unto **Matthew Berry and Stephanie Berry,** husband and wife, whose address is 1201 3rd Ave., Suite 3800, Seattle, WA 98101, **Grantees,** as community property with rights of survivorship, the following described real property situated in Custer County, Idaho, to-wit:

SEE ATTACHED EXHIBIT A

Subject to current year's real property taxes and easements or encumbrances of record or visible on the property, including but not limited to those shown as Exceptions 1-36 in Schedule B, Section II of that certain Preliminary Title Commitment issued on March 27, 2019 by Alliance Title & Escrow Company (File No./ 429120).

To have and to hold the said premises, together with all improvements and appurtenances and water rights unto the said Grantees, their heirs and assigns forever. And the said Grantor hereby covenants to and with said Grantees, that Grantor is the owner in fee simple of said premises; that the said premises are free from all encumbrances except as noted above; and, that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED this 23 day of May, 2019.

Carole Klein, Trustee of the
Carole Klein Family Trust dated 9/23/86

STATE OF IDAHO)
) ss.
County of Blaine)

On this 23rd day of May, 2019, before me, F. Paige McAllister, a Notary Public in and for said State, personally appeared **Carole Klein**, known or identified to me to be the **Trustee under the Carole Klein Family Trust dated 9/23/86**, and acknowledged to me that she executed the same as Trustee of said Trust.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

F. Paige McAllister
NOTARY PUBLIC FOR IDAHO
My Commission Expires: 1/5/24

F. PAIGE MCALLISTER
COMMISSION #35535
NOTARY PUBLIC
STATE OF IDAHO

File No. 429120

Exhibit 'A'

Parcel 1:

Township 11 North, Range 15 East Boise Meridian Custer County, Idaho

H.E. Survey No. 419, embracing a portion of approximately Sections 26, 27, 34 and 35, described as follows:

Beginning at Corner No. 1, from which U.S. Location Monument No. 5 bears:
North 22°29' East 7.5 chains distant; thence
North 45°03' East 18.12 chains to Corner No. 2; thence
South 80°43' East 30.20 chains to Corner No. 3; thence
South 4°54' West 6.94 chains to Corner No. 4; thence
South 65°41' West 56.5 chains to Corner No. 5; thence
North 66°37' West 3.57 chains to Corner No. 6; thence
North 20°38' East 9.15 chains to Corner No. 7; thence
North 66°37' West .50 chains to Corner No. 8: thence
South 20°38' West 9.15 chains to Corner No. 9; thence
North 65°37' West 3.56 chains to Corner No. 10; thence
North 5°46' East 8.57 chains to Corner No. 11; thence
North 38°49' West 9.47 chains to Corner No. 12; thence
North 49°42' East 20.33 chains to Corner No. 13; thence
South 31°21' East 11.53 chains to Corner No. 1, the True Point of Beginning.

AND Government Tract 37 in Sections 26, 34 and 35, Township 11 North, Range 15 East, Boise-Meridian, Custer County, Idaho, described as follows:

Beginning at Corner No. 4, H.E.S. No. 419, identical with Angle Point No. 1, Tract 37, Township 11 North, Range 15 East, Boise-Meridian, Custer County, Idaho, and True Point of Beginning; thence
South 65°42'45" West 39.483 chain (2604.56 feet) on line 4 - 5, HES No. 419 to Angle Point No. 2, identical with Angle Point No. 1, Tract 38, on line 4 - 5 HES No. 419; thence
South 89°29'15" East 1.684 chains (111.14 feet) to Angle Point No. 3; thence
North 79°15'30" East 6.984 chains (460.94 feet) to Angle Point No. 4; thence
North 68°25'15" East 4.819 chains (318.05 feet) to Angle Point No. 5; thence
North 53°32'00" East 10.438 chains (688.91) to Angle Point No. 6; thence
North 72°43'45" East 6.630 chains (437.58 feet) to Angle Point No. 7; thence
North 58°07'15" East 9.685 chains (639.21 feet) to Angle Point No. 1 and Point of Beginning.

ALSO with Government Tract 38 in Sections 34 and 35, Township 11 North, Range 15 East, Boise-Meridian, Custer County, Idaho, described as follows:

Beginning at Corner No. 4, H.E.S. No. 419, identical with Angle Point No. 1, Tract 37, Township 11 North, Range 15 East, Boise-Meridian; thence

South 65°42'45" West 39.463 chains (2604.56 feet), of line 4 - 5, HES No. 419, to Angle Point No. 1, identical with Angle Point No. 2, Tract 37, on the 4 - 5 line, HES No. 419, and True Point of Beginning; thence
South 65°42'45" West 17.100 chains (1128.60 feet), on line 4 - 5, HES No. 419, to Angle Point No. 2, identical with Angle Point No. 1, Tract 39 and Corner No. 5, HES No. 419; thence
North 78°20'45" East 8.105 chains (534.93 feet), to Angle Point No. 3; thence
North 57°23'30" East 2.581 chain (170.346 feet), to Angle Point No. 4; thence
North 35°02'45" East 1.416 chains (93.46 feet), to Angle Point No. 5; thence
North 58°33'15" East 5.464 chains (360.62 feet) to Angle Point No. 1 and Point of Beginning.

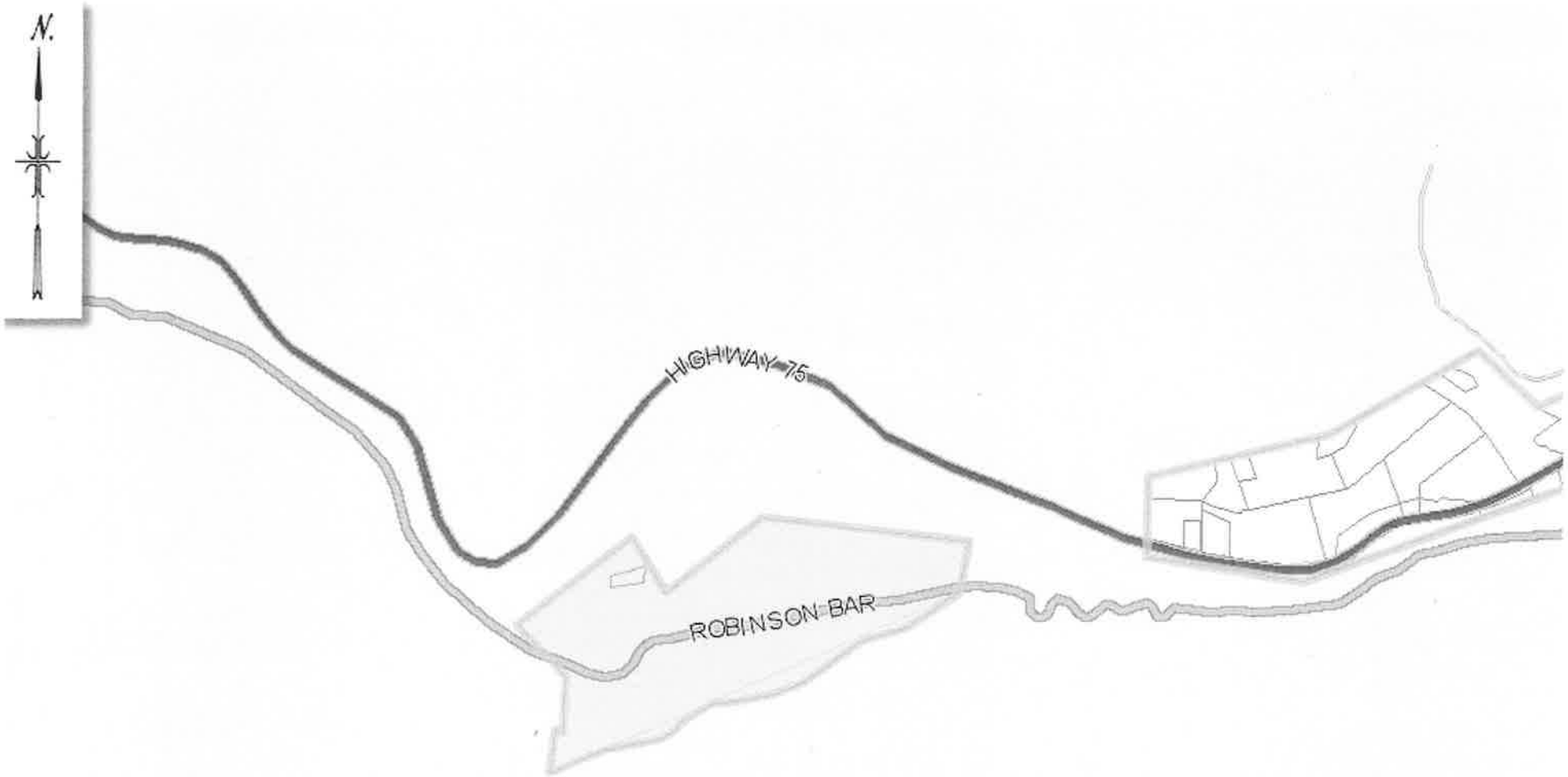
FURTHER WITH Government Tract 39 in Sections 27 and 34, Township 11 North, Range 15 East, Boise-Meridian, Custer County, Idaho, described as follows:

Beginning at Corner No. 5, H.E.S. No. 419, identical with Angle Point No. 2, Tract 38, and Angle Point No. 1, Tract 39, Township 11 North, Range 15 East, Boise-Meridian; and the True Point of Beginning; thence
North 66°30'45" West 3.578 chains (236.15 feet) to Angle Point No. 2, identical with Corner No. 6, HES No. 419; thence
North 20°30'45" East 9.148 chains (603.77 feet) to Angle Point No. 3, identical with Corner No. 7, HES No. 419; thence
North 65°57'15" West 0.509 chains (33.60 feet) to Angle Point No. 4, identical with Corner No. 8, HES No. 419; thence
South 20°28'15" West 9.157 chains (604.36 feet) to Angle Point No. 5, identical with Corner No. 9, HES No. 419; thence
North 66°37'00" West 3.566 chains (235.36 feet), to Angle Point No. 6, identical with Corner No. 10, HES No. 419; thence
South 6°56'00" West 6.538 chains (431.51 feet), to Angle Point No. 7; thence
North 66°06'45" East 8.535 chains (563.31 feet) to Angle Point No. 1 and Point of Beginning.

Parcel 2:

The following described tract in H.E.S. No. 419, in Sections 26, 27, 34 and 36, Township 11 North, Range 15 East, Boise-Meridian, Custer County, Idaho, described as follows:

Commencing at the U.S.L.M. No. 5; thence
South 22°29' West a distance of 495 feet to a point on the boundary of said H.E.S. No. 419, said point designated on the Official Plat as Point No. 1; thence
North 31°21' West a distance of 760.98 feet to a Brass Cap designating Point No. 13; thence
South 27°12'30" West a distance of 416.78 feet to a 5/8" rebar set, which is the Real Point of Beginning; thence
South 4°29' West a distance of 120 feet to a 5/8" rebar; thence
North 81°01' East a distance of 321.91 feet to a point from which a 5/8" rebar witness corner bears
South 81°01' West a distance of 3.0 feet; thence
North 2°26' East a distance of 149.78 feet to a 5/8" rebar; thence
South 75°42' West a distance of 325.0 feet to the Real Point of Beginning.

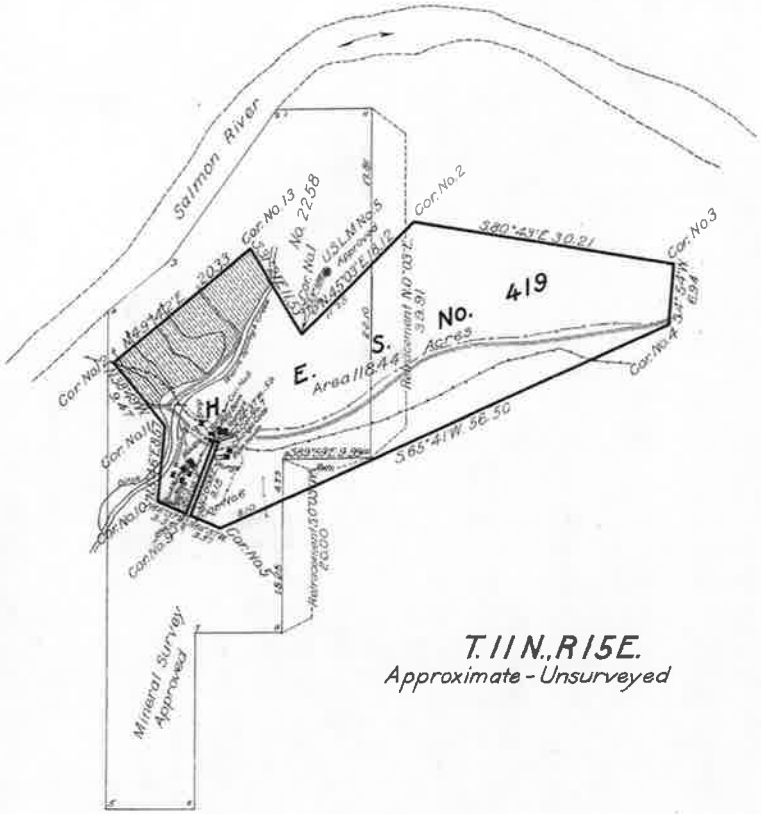


This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

PATENT NO. 70829 ISSUED SEPT. 26, 1919

TRACING OR COPY ON HAND 1176 PATENTED

T.11 N., R.15 E.



Plat of

HOMESTEAD ENTRY SURVEY

No. 419

in the

CHALLIS NATIONAL FOREST

in approximate

Section 26, unsurveyed T.11 N., R.15 E.
Section 27, unsurveyed T.11 N., R.15 E.
Section 34, unsurveyed T.11 N., R.15 E.
Section 35, unsurveyed T.11 N., R.15 E.
of the

BOISE BASE AND MERIDIAN

IDAHO

This plat of Homestead Entry Survey No. 419 State of Idaho is strictly conformable to the field notes thereof on file in this office, which have been examined and approved.

U.S. Surveyor General's Office
Boise, Idaho.
August 24, 1917.

Edward Hedden
U.S. Surveyor General

SCALE 10 chains to 1 inch

Surveys Designated	By whom Surveyed	Inst. Cont. Group No.	Date	When Surveyed Begun	Completed	Date of Approval
U.S.L.M. No. 5	Job H. Winwood	5	May 16, 1907	Aug. 26, 1907		Dec. 21, 1907
M.S. 2258	" " "	2258	" " "	Aug. 26, 1907	Sept. 3, 1907	" "
H.E.S. No. 419	R.D. Garver, Forest Examiner	419	Apr. 28, 1916	Sept. 29, 1916	Sept. 30, 1916	Aug. 24, 1917

		Areas in Acres
H.E. Survey No. 419		Conflicts
In Section		57.47 acres in
In Section		conflict with
In Section		M.S. No. 2258
In Section		
Total	118.44	

Act of June 11, 1906 Act of Aug. 11, 1916

List No. 4-1390 Dated Mar. 7, 1914

Latitude 44°15'02" N.
Longitude 114°38' W.
Mean Mag. Decl. 20°30' E

Observations at Corner No. 1

E. Fed.

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858
Phone: (208)736-3033 • Fax: (208)736-3037 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

August 01, 2019

MATTHEW BERRY
STEPHANIE BERRY
1201 3RD AVE STE 3800
SEATTLE WA 98101-3087

Re: Change in Ownership for Water Right No(s): 72-4092, 72-4093A, 72-4093B, 72-4094, 72-4112, & 72-10019

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records and has enclosed a computer-generated report for you.

Please note, the water rights currently identify one or more attorneys. If this is no longer correct, the Department can remove and/or update the attorney on the water rights with your written authorization. Identifying an attorney on a water right is not required, but will ensure that they receive copies of any correspondence related to that water right.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 736-3033.

Sincerely,

Allison Inouye
Water Resource Agent

Enclosure(s)

cc: PIONEER TITLE CO (File No. 429120)
JEFFREY C FEREDAY, GIVENS PURSLEY LLP
BRIAN L MCMAHAN AND/OR STEVEN J MILLEMANN, MILLEMANN PITTENGER & MC MAHAN LLP